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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,078	01/09/2006	Reiner Franz Schulz	P05,0445	7105
26574	7590	02/20/2008		
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473			EXAMINER BITAR, NANCY	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 02/20/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/564,078

Applicant(s)

SCHULZ, REINER FRANZ

Examiner

Nancy Bitar

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/09/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/21/06, 12/17/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The IDS filed 06/21/2006 and 12/17/2007 has been considered by the Examiner.

### ***Response to Arguments***

2. Applicant's arguments, in the amendment filed 12/17/2007, with respect to the rejections of claim 5 under 35 U.S.C 102(b) have been fully considered but are moot in view of the new ground(s) of rejection necessitated by the amendments. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Fuchs et al (7,288,769) and Steiner et al (US 6,518,564).

### **Examiner Notes**

3. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites the limitation "storage film" in line 19. There is insufficient antecedent basis for this limitation in the claim. Examiner suggest applicant to amend the claim to "storage plate".

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fuchs et al (7,288,769) in view of Steiner et al ( US 6,518,564).

As to claim 5, Fuchs et al. teaches a method for correcting pixels of an x-ray image data set, comprising the steps of:

acquiring a current x-ray exposure of an examination subject with an x-ray apparatus using a storage plate as an x-ray detector, said storage plate comprising a storage luminophore layer having a sensitivity that changes dependent on an accumulated x-ray dose to which said storage luminophore has been exposed in said current x-ray and in said x-ray exposures using said storage plate preceding said current exposure: ( Luminophore layers that operate as storage plate (i.e., that store x-ray information) can be used for the generation of x-ray exposures, Column 1, lines 6-19); reading out said storage plate with a readout device after acquiring x-ray exposure (The exposed

storage plate is read out pixel for pixel to generate an x-ray exposure, column 1, lines 34-35 ); from the readout of said storage plate, generating an x-ray image data set corresponding to said x-ray exposure (Electronic image data or image data perceivable by the human eye are generated from the read-out information, column 1, lines 35-46), said x-ray image data set comprising a plurality of data set pixels respectively corresponding to pixels of said current x-ray exposure (The exposed storage film is read out pixel for pixel to generate an x-ray exposure. Electronic image data or image data perceivable by the human eye are generated from the read-out information. Due to the optical readout of the storage plate, very high requirements must be placed on the uniformity of the plate surface. Defects in the storage plate affect not only the readout capability of the storage plate, but also the capability of engaging the storage cells via x-ray radiation, column 1, lines 34-44 ); While Fuchs meets a number of the limitations of the claimed invention, as pointed out more fully above, Fuchs fails to specifically teach the and correcting each of said data set pixels with a correction value associated with the pixel corresponding thereto in the x-ray exposure by adapting each correction value dependent on an accumulated x-ray dose to which a portion of the storage plate containing the pixel corresponding to the data set pixel was exposed, in said current x-ray exposure and in said x-ray exposure using said storage plate proceeding said current exposure .Specifically, Steiner et al. teaches the image values for obtaining the radiation image information allow themselves to be corrected in accordance with the magnitude of the reflection value. This can generally occur by determining from the reflection value the correction value to be associated with the

image points, and that the image value is scaled or graduated image-point-wise with the correction value ( column 1, lines 46-67).Moreover, Steiner teaches the luminescence emission the information stored on the image medium 12 is "erased", so that the image plate 12 is ready to be used again for new exposure to a radiation image ( column 4, lines 12-27)and teaches in figure 2 the correction of the radiation image that are adapted to the exposed radiation dose( column 5, lines 21-67). It would have been obvious to one of ordinary skill in the art to correct the digital luminescent light image values according to the digital reflection light values in Fuchs et al in order to better obtain the radiation image information.

#### ***Allowable Subject Matter***

7. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nancy Bitar whose telephone number is 571-270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

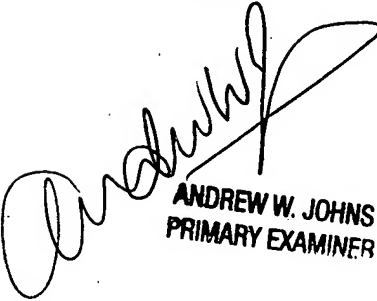
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2/11/2008



ANDREW W. JOHNS  
PRIMARY EXAMINER